

IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL REVISION APPLICATION NO. 15 OF 2005

MADHUSUDAN P.NAIK

... Petitioner

Versus

STATE OF GOA THROUGH THE PUBLIC
PROSECUTOR AND 4 ORS.,

... Respondents

Shri S. G. Bhobe, Advocate for the Petitioner.

Coram:- D. B. BHOSALE, J.

Date:- 6th December, 2007

P.C.

Heard learned Counsel for the petitioner. This revision is directed against an order of acquittal dated 26.12.03. Respondents No.2 to 5 were prosecuted for the offences punishable under Sections 307,341, 342, 365 and 394 of I.P.C. The alleged incident had occurred on 17.11.97. The revision was filed in March, 2005.

2. Mr. Bhobe, learned Counsel for the petitioner-complainant submits that the complainant had suffered serious injuries in the alleged incident and still his evidence has been disbelieved by the trial Court. He submits that there was no reason for the complainant to falsely implicate the accused persons. He submits that the trial Court ought to have accepted the evidence of the complainant which, according to Mr. Bhobe, stands corroborated by other evidence.

3. I perused the impugned Judgment. It appears that none of the assailants, except accused no.1, was identified by the complainant in the identification parade. Even, the other evidence also is not sufficient to connect the other accused with the alleged offences. In so far as accused no.1 is concerned, the complainant knew him and there was enmity

between the complainant and the father of accused no.1. The evidence on record was not found to be sufficient to convict even accused no.1.

4. In my opinion, the learned trial Judge has appreciated the evidence in proper perspective and the findings recorded by him are not perverse, apart from the fact that no manifest error of law and procedure has been pointed out by the petitioner. In the circumstances, I find no merit in this revision petition and it is dismissed as such.

D. B. BHOSALE, J.

ssm.